

HOUSE BILL 1669
By Rowland

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 29, Chapter 24, relative to election campaign practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-19-142, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b)(1) If a person, corporation, organization, entity, or committee publishes, broadcasts, or distributes, or causes to be published, broadcast, or distributed, any campaign literature or political advertisement, relating to the conduct, fitness, or record of any candidate for public office, with knowledge of the falsity or with reckless disregard of whether such literature or advertisement is false or not, then such person, corporation, organization, entity, or committee shall be liable for damages in a defamation action brought by such candidate.

(2) Such damages shall include compensatory damages and punitive damages in such amount as the court may allow.

(3) In any action brought pursuant to this subsection, the court may award reasonable attorney's fees and costs to the prevailing party.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.